

Docket JP920000411US1

Appl. No.: 09/783,250
Filed: February 14, 2001**In the United States Patent and Trademark Office****RECEIVED
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In re the application of: Kallol Pal)
)
Filed 02/14/2001) Group Art Unit: 2122
)
For: Software Testing) Examiner: Chuck O. Kendall
)
Appl. No.: 09/783,250)
)
Applicant's Docket:)
JP920000411US1)

CERTIFICATE OF Facsimile Transmission

I hereby certify that this correspondence is being transmitted via facsimile to USPTO Group Art Unit 2122, to the attention of Examiner Chuck O. Kendall, at telephone number (571)273-3698, to the attention of Supervisor Wei Y. Zhen, at telephone number (571)273-3708, and to the USPTO central telephone number at 703-872-9306 on 6/2/2005.

Anthony V.S. England
Anthony V.S. England

6/2/2005
Date

REQUEST FOR ACTION

Attorney England spoke with Supervisor Wei Zhen on about 4/19/2005 and then spoke with Examiner Kendall on 4/20/2005. At that time, Examiner Kendall indicated he would timely issue a new, non-final Office action, restarting the period for reply. The six month period for reply in this case expires 6/7/2005 and the promised Office action has not yet been received.

Applicant hereby requests that the Final Rejection of 12/7/2004 be immediately withdrawn, in writing. Applicant also requests that the written withdrawal of that Second Final Rejection be mailed on or before 6/3/2005, and that it be concurrently faxed to Attorney England at 512-322-0211.

Background:

The subject application was appealed and an Appeal Brief was timely filed. The PTO docket indicates the Appeal Brief was received on 8/18/2004. Prosecution was reopened with a Second Final Rejection on 12/7/2004, citing new art.

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Applicant filed a Request for Reconsideration within the first month of the reply period to contend the Final Rejection was improper and request a new, non-final Office action.

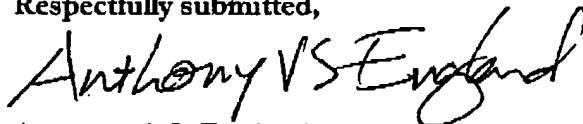
Given that Examiner Kendall had indicated in the Second Final Rejection that certain dependent claims were allowable, and since Applicant had not received a reply to the Request for Reconsideration, Applicant filed a Supplemental Reply withdrawing the Request for Reconsideration, canceling the unallowed claims and amending claims to put them in condition for allowance, exactly as indicated in the Final Rejection. This was during the fourth month of the reply period.

In reply, Examiner Kendall reversed his position in an Advisory Action and did not allow the amended claims. In the rejection of the Advisory Action, the Examiner relies only on the art he had already cited when he indicated allowability in the December 7 Office action.

Attorney England spoke with Supervisor Wei Zhen on about 4/19/2005 and then spoke with Examiner Kendall on 4/20/2005. At that time, Examiner Kendall indicated that he would issue a new, non-final Office action restarting the period for reply.

Thank you for your immediate attention to this matter.

Respectfully submitted,



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